

1 Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
2 Scott A. Burroughs (SBN 235718)
scott@donigerlawfirm.com
3 Kelsey Schultz (SBN 328159)
kschultz@donigerlawfirm.com
4 DONIGER / BURROUGHS
5 603 Rose Avenue
6 Venice California 90291
7 Telephone: (310) 590-1820

8 Attorneys for Plaintiff

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 STAR FABRICS, INC., a California
13 Corporation,

14 Plaintiff,

15 v.

16
17 RUELALA, INC., a Delaware Corporation;
18 BPC2, LLC d/b/a “Walter Baker”, a New
19 York limited liability company;
20 BLUEFLY.COM, LLC, a Florida
21 corporation; and DOES 1-10,

22 Defendants.
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Case No.:

PLAINTIFF’S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

1 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to
2 this honorable Court for relief based on the following:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
5 *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and
7 1338 (a).

8 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
9 1400(a) in that this is the judicial district in which a substantial part of the acts and
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff STAR FABRICS, INC. is a corporation organized and existing
13 under the laws of the State of California with its principal place of business located in
14 Los Angeles, California.

15 5. Plaintiff is informed and believes and thereon alleges that Defendant
16 RUELALA, INC., (“RUELALA”), is a corporation organized and existing under the
17 laws of the state of Delaware with its principal place of business located at 20
18 Channel Center Street, Boston, MA 02210 and is doing business in and with the state
19 of California.

20 6. Plaintiff is informed and believes and thereon alleges that Defendant
21 BPC2, LLC d/b/a “Walter Baker” (“WALTER BAKER”), is a corporation organized
22 and existing under the laws of the state of New York with its principal place of
23 business located at 265 West 37th Street 5th Floor, New York, NY 10018 and is doing
24 business in and with the state of California.

25 7. Plaintiff is informed and believes and thereon alleges that Defendant
26 BLUEFLY.COM, LLC (“BLUEFLY”), is a corporation organized and existing under
27 the laws of the state of Florida with its principal place of business located at 1111
28 Brickell Avenue, Suite 2200, Miami, Florida 33131, and is doing business in and

1 with the state of California.

2 8. Plaintiff is informed and believes and thereon alleges that Defendants
3 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed
4 Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights,
5 or have engaged in one or more of the wrongful practices alleged herein. The true
6 names, whether corporate, individual or otherwise, of Defendants 1 through 10,
7 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
8 by such fictitious names, and will seek leave to amend this Complaint to show their
9 true names and capacities when same have been ascertained.

10 9. Plaintiff is informed and believes and thereon alleges that at all times
11 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
12 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
13 at all times acting within the scope of such agency, affiliation, alter-ego relationship
14 and/or employment; and actively participated in or subsequently ratified and/or
15 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
16 circumstances, including, but not limited to, full knowledge of each violation of
17 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

18 **CLAIMS RELATED TO DESIGN 57203**

19 10. Plaintiff owns an original two-dimensional artwork used for purposes of
20 textile printing entitled 57203 (the "Subject Design") which has been registered with
21 the United States Copyright Office.

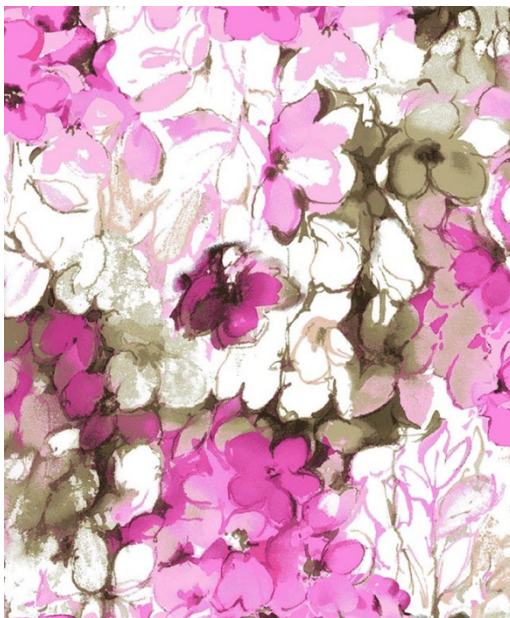
22 11. Since 2004, Plaintiff has widely disseminated fabric bearing the Subject
23 Design to numerous parties in the fashion and apparel industries.

24 12. Plaintiff is informed and believes and thereon alleges that following its
25 distribution of the Subject Design, RUELALA, WALTER BAKER, BLUEFLY,
26 DOE Defendants, and each of them created, sold, manufactured, caused to be
27 manufactured, imported and/or distributed fabric and/or garments comprised of fabric
28 featuring unauthorized reproductions of the Subject Design or designs which are

substantially similar to the Subject Design (hereinafter “Offending Product”).
 Offending Product includes but is not limited to the garments sold bearing the label
 “Walter Baker”, under style number W2950, and RN number 149622, indicating it
 was manufactured or otherwise distributed by WALTER BAKER.

13. A representative sample of the Subject Design, and exemplars of
 Offending Product are set forth hereinbelow

Subject Design

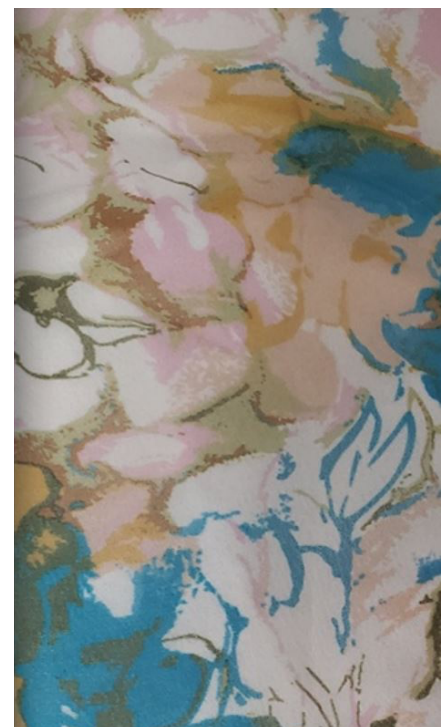
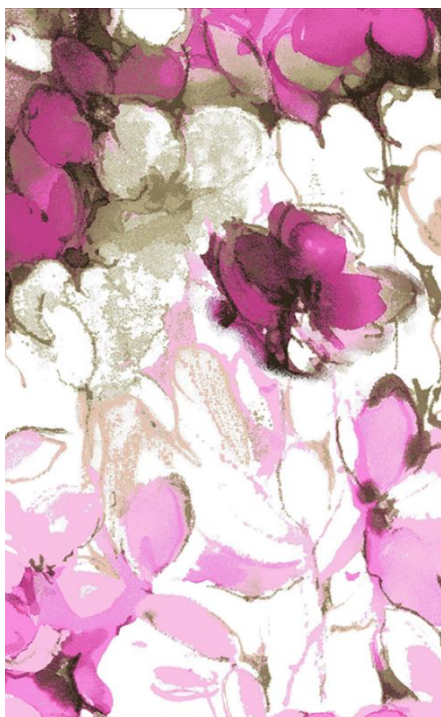
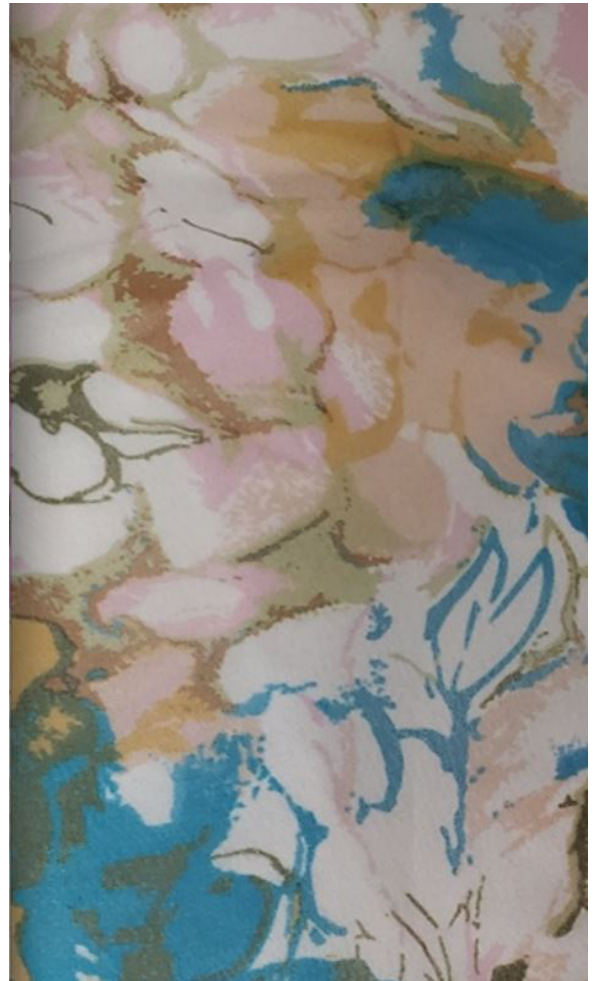


Offending Product



Subject Design

Offending Product



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

14. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

15. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

16. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed the Subject Design in that said garments were composed of fabric which featured unauthorized print designs that were identical or substantially similar to the Subject Design, or were an illegal modification thereof.

17. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling Offending Products through a nationwide network of retail stores, catalogues, and through on-line websites.

18. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

1 19. Due to Defendants', and each of their, acts of copyright infringement as
 2 alleged herein, Defendants, and each of them, have obtained profits they would not
 3 otherwise have realized but for their infringement of the Subject Design. As such,
 4 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
 5 attributable to the infringement of the Subject Design in an amount to be established
 6 at trial.

7 20. Plaintiff is informed and believes and thereon alleges that Defendants,
 8 and each of them, have committed copyright infringement with actual or constructive
 9 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
 10 and continue to be, willful, intentional and malicious.

11 **PRAYER FOR RELIEF**

12 Wherefore, Plaintiff prays for judgment as follows:

- 13 a. That Defendants—each of them—and their respective agents and
 14 servants be enjoined from importing, manufacturing, distributing,
 15 offering for sale, selling or otherwise trafficking in any product that
 16 infringes Plaintiff's copyrights in the Subject Design;
- 17 b. That Plaintiff be awarded all profits of Defendants, and each of them,
 18 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
 19 or, if elected before final judgment, statutory damages as available under
 20 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 21 c. That Plaintiff be awarded its attorneys' fees as available under the
 22 Copyright Act U.S.C. § 101 et seq.;
- 23 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 24 e. That Plaintiff be awarded the costs of this action; and
- 25 f. That Plaintiff be awarded such further legal and equitable relief as the
 26 Court deems proper.

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1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
2 38 and the 7th Amendment to the United States Constitution.

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4 Dated: May 26, 2023

DONIGER / BURROUGHS

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6 By: /s/ Stephen M. Doniger
7 Stephen M. Doniger, Esq.
8 Kelsey Schultz, Esq.
9 Attorneys for Plaintiff
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